

Public Records (Ireland) Act (1867) Amendment
Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Extent of Act.
 3. Act to be construed as one with 30 & 31 Vict. c. 70.
 4. Interpretation.
 5. Records to be in custody of the Master of the Rolls.
 6. Removal of records to Public Record Office.
 7. Validity of records after removal.
 8. Power to make authentic copies of records, which shall be sealed.
 9. Such copies, sealed with the seal of the Record Office, to be received in evidence.
 10. Certified transcripts to be deposited in the parishes from which the originals have been removed.
 11. Power to make authentic copies, &c. of transcripts.
 12. Copies of transcripts signed by parochial officer to be received in evidence.
 13. *Expenses of Act to be paid out of moneys voted by Parliament.*
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B I L L

TO

Amend the Public Records (Ireland) Act, 1867, and to make provision for keeping safely certain Parochial Records in Ireland. A.D. 1872.

WHEREAS the registries of baptisms, marriages, and burials, and other parochial and diocesan records, books, and documents which at the time when the Church of Ireland ceased to be established by law were or ought to have been in the care or subject to the control of the officers of the said church are now under the care of several persons, and many of them are kept in unfit and unsafe buildings :

And whereas doubts have arisen as to whether the said several records, registries, and parochial documents are public records within the meaning and for the purposes of the "Public Records (Ireland) Act, 1867:"

And whereas it is expedient to provide for the safe custody of the said records, registries, and parochial documents by the transfer thereof to the Public Record Office of Ireland, and to make such other provisions in relation thereto as are in this Act contained :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Public Records (Ireland) Act, 1867, Amendment Act, 1872."

2. This Act shall extend to Ireland only.

Extent of Act.

3. The Public Records (Ireland) Act, 1867, and this Act shall be read and construed as one Act.

Act to be construed as one with 30 & 31 Vict. c. 70.

4. In this Act—

The expression "parochial officer" shall be taken to mean any rector, vicar, curate, parish clerk, diocesan registrar, or other parish officer of the Church of Ireland, holding such office on

Interpretation.

[Bill 217.]

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A.D. 1873.

the thirty-first of December one thousand eight hundred and seventy, and any person since that date duly appointed or who hereafter may be duly appointed to succeed to the exercise and discharge of the functions of any such officer :

The term "record" shall mean any diocesan or parochial record, 5 minute of proceedings, paper, book, document, or registry, of, or relating to any baptism, marriage, burial, or ordination, or other diocesan or parochial matter of a public nature, which, on the thirty-first day of December one thousand eight hundred and seventy, was or ought to have been in the possession or 10 custody of any parochial officer :

The expression "Master of the Rolls" shall mean the Master of the Rolls for the time being in Ireland :

The expression "Record Office" shall mean the Public Record Office of Ireland :

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The term "transcript" shall mean a transcript or copy of any record made, authenticated, and deposited with any parochial officer in accordance with the provisions, and under the authority of this Act.

Records to be in custody of the Master of the Rolls.
30 & 31 Vict.
c. 70, s. 4.

5. Every record shall, from and after the passing of this Act, 20 be under the charge and control of the Master of the Rolls, in the name and on behalf of Her Majesty, her heirs and successors, and shall be removed to the Record Office in manner by this Act provided : Provided always, that until such removal the persons now having the charge of the said records shall continue to have charge of them, 25 subject to such orders as the Master of the Rolls may from time to time make concerning them or any of them.

Removal of records to Record Office.
30 & 31 Vict.
c. 70, s. 13.

6. The Master of the Rolls shall, as soon as conveniently may be, issue warrants directed to the several persons having the care of any record or records, ordering such persons to allow the same to be 30 removed from its or their present place of custody, and deposited in the Record Office; and every such warrant shall be kept among the public records in the custody of the Master of the Rolls, and shall be a sufficient warrant for the removal of such record or records as shall be specified therein.

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Validity of records after removal.
30 & 31 Vict.
c. 70, s. 15.

7. The removal of any record to the Record Office, by authority of the Master of the Rolls, shall not in any manner affect the authenticity or legal validity of such record; but any such record deposited in the Record Office, and there kept under the authority of the Master of the Rolls, shall be taken to be in its legal place 40 of deposit, and every such record removed as aforesaid shall be of

the same legal validity in all courts and proceedings in the same manner as if such record had not been removed. A.D. 1873.

8. The Master of the Rolls or Deputy Keeper of the Records may allow copies to be made of any of the said records at the request and costs of any person desirous of procuring the same; and any copy so made shall be examined and certified as a true and authentic copy by the Deputy Keeper of the Records, or by the Assistant Deputy Keeper of the Records or by any of the first class clerks in the Record Office, and shall be sealed or stamped with the seal of the Record Office, and delivered to the party for whose use it was made.

Power to make authentic copies of records, which shall be sealed. 30 & 31 Vict. c. 70, s. 19.

9. Every copy of a record in the custody of the Master of the Rolls, certified as aforesaid, and purporting to be sealed or stamped with the seal of the Record Office, shall be received as evidence in any court of justice, and before any legal tribunal, and before either House of Parliament, or any committee of either House, without any further or other proof thereof, in every case in which the original record could have been received there as evidence.

Such copies, sealed with the seal of the Record Office, to be received in evidence. 30 & 31 Vict. c. 70, s. 20.

10. The Master of the Rolls shall, as soon as conveniently may be after the removal to the Record Office of any of the said records, cause a transcript or copy to be made of each of the said records, and each such transcript shall be examined and certified as a true and authentic transcript by the Deputy Keeper of the Records, or by the Assistant Deputy Keeper of the Records, or by any of the first class clerks in the Record Office, and shall be sealed or stamped with the seal of the Record Office; and each such transcript so certified shall be forthwith transmitted to the provincial or diocesan or united diocesan register or to the parish or other parochial district from which the original thereof shall have been removed, and such transcripts shall be placed and remain in the custody of the parochial officer who, but for the passing of this Act, would have had the custody of the originals respectively, and such transcripts so deposited shall be deemed to be and take the place of their originals respectively.

Certified transcripts to be deposited in the parishes from which the originals have been removed.

For the additional duties by this Act imposed there shall be paid to the Deputy Keeper of the Records, the Assistant Deputy Keeper of the Records, and the first class clerks in the Record Office, such sums respectively as the Master of the Rolls, with the consent of the Commissioners of Her Majesty's Treasury, shall direct, and such sums shall be paid out of such funds as Parliament shall from time to time provide for that purpose.

A.D. 1872.

Power to
make au-
thentic
copies, &c. of
transcripts.

11. The parochial officer having in his custody any transcript under the authority of this Act may allow any such transcript to be inspected, and copies of or extracts from any such transcript to be made at the request and costs of any person desirous of procuring the same, and the making of any such copy or extract shall be sub- 5
ject to the conditions and regulations, and to the payment of such fees or charges, which but for the passing of this Act would have been subsisting and payable with reference to the making of a copy of or extract from the original of such transcript, and any copy of or extract from a transcript so made shall be examined at the request 10
of the person procuring the same, and (if found correct) shall be signed and certified as a true and authentic copy or extract by such parochial officer without any proof of the signature or of the official character of the person appearing to have signed the same and delivered to the party for whose use it was made. 15

Copies of
transcripts
signed by
parochial
officer to be
received in
evidence.

12. Every copy of or extract from a transcript in the custody of any parochial officer, certified as aforesaid, and purporting to be signed by such officer, shall be received as evidence in any court of justice, and before any legal tribunal, and before either House of Parliament, or any Committee of either House, without any 20
further or other proof thereof, in every case in which the original record could have been received there as evidence.

Expenses of
Act to be
paid out of
moneys
voted by
Parliament.

13. *All expenses payable and incurred in the execution of this Act by the orders of the Master of the Rolls in pursuance of the provisions of this Act shall be paid by the Commissioners of Her 25
Majesty's Treasury out of such funds as shall be provided by Parlia-
ment for such purpose.*

Public Records (Ireland)
Act (1867) Amendment.

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To amend the Public Records (Ireland)
Act, 1867, and to make provision for
keeping safely certain Privileged Re-
cords in Ireland.

*(Prepared and brought in by
The Member of Parliament and Mr. Secretary
for the*

Ordered, by The House of Commons, to be Printed,
30 June 1873.

[Bill 217.]

Under 1 oz.